

EXPRESS MAIL LABEL NO.: EV 657808989 US

PATENT APPLICATION

Docket No.: 16274.37b.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Mario Festag et al.	)
		)
Serial No.:	10/791,539	) Art Unit
		) 2833
Filed:	March 1, 2004	)
		)
For:	HOUSING-SHAPED SHIELDING PLATE	)
	FOR THE SHIELDING OF AN ELECTRICAL	)
	COMPONENT	)
		)
Confirmation No.:	3380	)
		)
Customer No.:	022913	)
		)
Examiner:	Brigitte R. Hammond	)

PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE AN  
UNINTENTIONALLY ABANDONED APPLICATION

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicant hereby petitions to revive United States Patent Application Serial No. 10/791,539, which became unintentionally abandoned on March 15, 2006. Enclosed is a Credit Card Payment Form in the amount of \$1,500.00 as set forth in 37 C.F.R. § 1.17(m) for filing this Petition under 37 C.F.R. § 1.137(b) to revive an unintentionally abandoned application. The Commissioner is hereby authorized to charge any additional fees or credit any

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overpayment in regard to this matter to Deposit Account No. 23-3178. Duplicate copies of this authorization are enclosed.

The above-identified patent application became abandoned unintentionally. A Request for Continued Examination and Amendment responsive to the Office Action dated August 9, 2005 is attached. In view of the foregoing, applicant respectfully requests that this Petition to Revive an Unintentionally Abandoned Application be granted.

Statement of Unintentional Abandonment

The entire delay in filing the required response to the final Office Action mailed August 9, 2005, from the due date for the reply (e.g. February 9, 2006) until the filing of the petition was unintentional.

The above-identified application in question was included in a file transfer of several hundred files from the previous owner Infineon Technologies AG of Germany to the current attorneys of record, Workman Nydegger. We recently received a Notice of Abandonment from the U.S. Patent and Trademark Office addressed to the prior U.S. counsel, Lerner Greenberg Stemmer LLP, a copy of which is attached as Exhibit A. After reviewing the file, we found that the prior law firm submitted an Amendment to the Final Office Action on November 9, 2006 but did not submit a Request for Continued Examination. Since the Amendment after Final did not place this application in condition for allowance, a Request for Continued Examination should have been filed not later than February 9, 2006. This file was not processed into our docketing system during the file transfer in time for Workman Nydegger to file a Request for Continued Examination before the February 9, 2006 deadline. Thus, this application became abandoned.

The Required Reply and Fees

As required under rule 1.137(b), the present petition to revive is accompanied by the filing a Request for Continued Examination, an Amendment and Response to the Final Office Action dated August 9, 2005, and the fee for this petition to revive as set forth in 37 CFR 1.117(m).

In view of the foregoing, applicant respectfully requests that this Petition to Revive an Unintentionally Abandoned Application be granted.

Dated this 29<sup>th</sup> day of August, 2006.

Respectfully submitted,



Eric L. Maschoff  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913

ELM/tatrj  
TAT0000002290V001



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,539	03/01/2004	Mario Festag	M&N-IT-204 D	3380
24131	7590	03/15/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			HAMMOND, BRIGGITTE R	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			2833	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

10/791,539

Examiner

Brigitte R. Hammond

Applicant(s)

FESTAG ET AL.

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 August 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☒ A proposed reply was received on 14 November 2005, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*Brigitte R. Hammond*

Brigitte R. Hammond  
Primary Examiner  
Art Unit: 2833

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.